
TITLE 328 UNDERGROUND STORAGE TANK FINANCIAL ASSURANCE BOARD

IC 13-14-9.5 Notice of Final Readoption

LSA Document #10-553(F)

Readopts rules in anticipation of [IC 13-14-9.5-2](#), providing that an administrative rule adopted under [IC 13-14-9](#) expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

PURPOSE OF NOTICE

Under [IC 13-14-9.5-4\(c\)](#), the Indiana Department of Environmental Management (IDEM) is publishing a notice of readoption of rules in Title 328 of the Indiana Administrative Code. With this notice, IDEM is providing notification that the following rules are readopted:

READOPTED RULES: [328 IAC 1-3-1](#); [328 IAC 1-3-1.3](#); [328 IAC 1-3-1.6](#); [328 IAC 1-3-2](#); [328 IAC 1-3-3](#); [328 IAC 1-3-4](#); [328 IAC 1-3-5](#); [328 IAC 1-3-6](#); [328 IAC 1-4-1](#); [328 IAC 1-4-1.5](#); [328 IAC 1-4-3](#); [328 IAC 1-4-4](#); [328 IAC 1-4-5](#); [328 IAC 1-5-1](#); [328 IAC 1-5-2](#); [328 IAC 1-5-3](#); [328 IAC 1-6-1](#); [328 IAC 1-6-2](#).

The foregoing rules are identified by name as follows:

Payment of Corrective Action and Third Party Liability Claims from the Excess Liability Trust Fund

328 IAC 1-3-1	Fund access
328 IAC 1-3-1.3	Cost effectiveness of corrective action
328 IAC 1-3-1.6	Preapproval of work
328 IAC 1-3-2	Fund disbursement
328 IAC 1-3-3	Eligibility requirements
328 IAC 1-3-4	Amount of coverage
328 IAC 1-3-5	Costs
328 IAC 1-3-6	Limitation of liability
328 IAC 1-4-1	General procedure for prioritization
328 IAC 1-4-1.5	Transition to the prioritization procedure under this rule
328 IAC 1-4-3	Recategorization of releases
328 IAC 1-4-4	Monthly reimbursement
328 IAC 1-4-5	Discontinuation of prioritization
328 IAC 1-5-1	Applications for payment of reimbursable costs
328 IAC 1-5-2	Fund payment procedures; eligibility preapproval
328 IAC 1-5-3	Deemed approved; reimbursement of costs
328 IAC 1-6-1	Applications for payment of third party liability claims
328 IAC 1-6-2	Fund payment procedures for third party liability

RULES TO EXPIRE: None.

AUTHORITY: [IC 13-14-9.5](#).

HISTORY

First Notice of Comment Period: September 1, 2010, [20100901-IR-328100553BNA](#).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

This rulemaking is required under [IC 13-14-9.5](#), which provides for the expiration and readoption of administrative rules. A rule that was adopted under a provision of [IC 13](#) and was in force on December 31, 1995, expires not later than January 1, 2002. All rules adopted after that date under [IC 13-14-9](#) expire on January 1 of the seventh year after the year in which each rule takes effect. The rules listed to be readopted have an expiration date of January 1, 2011. IDEM has chosen to readopt all affected rules at one time rather than readopt each rule separately as its expiration date approaches.

Under [IC 13-14-9.5-4](#), the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all rules that are readopted by their titles and subtitles only. If no comments are received during this first comment period, IDEM may submit the rule for filing with the Legislative Services Agency under [IC 4-22-2-35](#) and publish notice in the Indiana Register that the agency has readopted the rule.

STATUTORY AND REGULATORY REQUIREMENTS

[IC 13-14-9.5-4](#) requires that the following procedure be followed to readopt rules:

- (1) A notice listing all rules to be readopted by their titles and subtitles shall be submitted to Legislative Services Agency for publication in the Indiana Register.
- (2) If a person submits a written request and a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule that readopts all rules in one rulemaking, the agency must:
 - (A) readopt that rule separately from the readoption rule; and
 - (B) follow the procedure for adoption of administrative rules under [IC 13-14-9](#) with respect to that rule.
- (3) If no written request is provided within the first comment period, the agency may submit the rule for filing with the Publisher under [IC 4-22-2-35](#) and publish a notice in the Indiana Register that the agency has readopted the rule.

NOTICE OF READOPTION

The following rules received no comments during the first notice of comment period requesting that a particular rule be readopted separately from the readoption rule that readopts all rules in one rulemaking and are not exempt from the readoption process under [IC 13-14-9.5](#):

[328 IAC 1-3-1](#)
[328 IAC 1-3-1.3](#)
[328 IAC 1-3-1.6](#)
[328 IAC 1-3-2](#)
[328 IAC 1-3-3](#)
[328 IAC 1-3-4](#)
[328 IAC 1-3-5](#)
[328 IAC 1-3-6](#)
[328 IAC 1-4-1](#)
[328 IAC 1-4-1.5](#)
[328 IAC 1-4-3](#)
[328 IAC 1-4-4](#)
[328 IAC 1-4-5](#)
[328 IAC 1-5-1](#)
[328 IAC 1-5-2](#)
[328 IAC 1-5-3](#)
[328 IAC 1-6-1](#)
[328 IAC 1-6-2](#)

Therefore, the above-listed rules are readopted under [IC 13-14-9.5-4](#). The rules will be submitted to the Publisher for filing and will be effective 30 days after that filing date. The rules will remain in effect until their next expiration date, January 1, 2018. However, all rules are subject to amendment or repeal under IDEM's regular rulemaking process found at [IC 13-14-9](#).

Nancy King
Chief, Rules Development Branch
Office of Legal Counsel

LSA Document #10-553(F)

First Notice of Comment Period: [20100901-IR-328100553BNA](#)

Filed with Publisher: November 19, 2010, 9:08 a.m.

Posted: 12/15/2010 by Legislative Services Agency

An [html](#) version of this document.